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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,056	04/12/2002	Witta Bruss	6713-Dt-Hu/be	4384
7590 10/23/2003				
Norris McLaughlin & Marcus 220 East 42nd Street 30th Floor New York, NY 10017			EXAMINER KEEHAN, CHRISTOPHER M	
			ART UNIT 1712	PAPER NUMBER

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/009,056	BRUSS ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher M. Keehan	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 9 and 11-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

### **DETAILED ACTION**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 102***

The rejection of claims 1-3, 6, and 8 under 35 U.S.C. 102(b) as being anticipated by Naestoft et al. (5,643,187) has been withdrawn in light of a new rejection.

#### ***Claim Rejections - 35 USC § 103***

The rejection of claim 10 under 35 U.S.C. 103(a) as being unpatentable over Andrews et al. (GB 2207867A) in view of Gotz (DE 4314834 A1) has been withdrawn due to applicant's amendments and in light of a new rejection.

#### ***Allowable Subject Matter***

In the previous office action, it was indicated that claims 4-7, and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. However, upon further examination, claims 4, 5, and 9 are still allowable, but the allowability of claims 6 and 7 has been withdrawn in light of the above rejection. Therefore, claims 4, 5, 9, and 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in

independent form including all of the limitations of the base claim and any intervening claims.

***New Claim Rejections - 35 USC § 102***

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hill et al. (5,024,875). Hill et al. disclose a film that can act as a bandage comprising at least one elastic polyurethane film, this film being provided with fluorocarbon water repellents (col.4, lines 25-42).

Regarding claim 3, Hill et al. disclose an antimicrobial coated fabric (col.4, lines 25-30), which would appear to have beneficial effects on the healing of wounds or blisters. As applicant has not included the claim language "further comprising," the antimicrobial fabric of Hill et al. can also read on the polyurethane film layer.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucast et al. (5,613,942). Lucast et al. disclose a sheet adherable to skin in the medical industry (col.7, lines 27-31), which can act as a covering for wounds, comprising at least one elastic polyurethane film (col.4, lines 10-20 and claim 8), this film being provided with water repellents included in the group as claimed (col.4, lines 21-29).

Regarding claim 6, the same reasoning as set forth above for claim 1 also applies to claim 6, as the claimed subject matter is essentially the same, except for the limitation of a two-layer film. Lucast et al. disclose a two-layer film (co.5, line 44-col.6, line 10).

***New Claim Rejections - 35 USC § 103***

Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naestoft et al. (5,643,187). Regarding claim 6, Naestoft et al. disclose a film comprising a two-layer elastic film (Figure 2), a first layer that can be treated with a silicone-based water repellent (col.7, line 13-col.8, line 57), and the first layer being applied partially (col.7, lines 35-43). It is the examiner's position that the silicone-based additive of Naestoft et al. acts as a water repellent, as silicone-based compounds are water repellent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added the silicone-based water repellent to the polyurethane because Naestoft et al. teach that a mixture of a variety of components, including polyurethane and silicone, produces a bandage with reduced friction, resulting in a higher quality product. Applicant did not appear to address the rejection of this claim under 35 U.S.C. 102(b) in the previous office action.

Regarding claim 7, Naestoft et al. disclose individual, separate segments (col.7, lines 35-43).

Regarding claim 8, Naestoft et al. disclose another layer (Figure 2).

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lucast et al. (5,613,942). Lucast et al., as applied above, are as set forth and incorporated herein. Lucast et al. disclose an anti-adhesive carrier material (col.5, line 59-col.6, line 3). Although Lucast et al. do not specifically disclose wherein the film is covered over

its entire width, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have covered the film over its entire width to that no contamination would occur in the uncovered areas of the film.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lucast et al. (5,613,942) in view of Gotz (DE 4314834 A1). Lucast et al., as applied above, are as set forth and incorporated herein. Lucast et al. disclose an anti-adhesive carrier material (col.5, line 59-col.6, line 3). Lucast et al. do not specifically disclose a siliconized paper. Gotz discloses the basic structure of the bandage as claimed by applicant, including a siliconized paper layer (col.2, lines 19-29) (based on partial oral spot translation and the international search report). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made for Lucast et al. to have employed a siliconized layer as taught by Gotz in the article of Lucast et al. because Gotz teaches that siliconized paper layers function in bandages as effective release layers resulting in a higher quality product.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Keehan whose telephone number is (703) 305-2778. The examiner can normally be reached on Monday-Friday, from 6:30 to 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Dawson can be reached on 308-2340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Christopher Keehan *CME*

October 8, 2003



Robert Dawson  
Supervisory Patent Examiner  
Technology Center 1700